Report
on
Indian Affairs
1829.

ANNUAL REPORT FOR 1829 FROM THE BUREAU OF INDIAN AFFAIRS.

DEPARTMENT OF WAR,
Office Indian Affairs, Nov. 17, 1829.

SIR: I had the honor, on the 29th ultimo, to submit, in obedience to your order of the 12th September last, an estimate, in detail, of the sum (viz. $150,690) which will be required for the current expenses of the Indian Department for the year 1830. With this reference to that document, I proceed to comply with the remaining part of said order.

In regard to the various appropriations for the Indian Department, I beg leave respectfully to premise, they have, in all cases, so far as the action of this office has been employed, been regarded as strictly applicable to the objects for which the appropriations have been, from time to time, made, and in no case have requisitions been issued by me beyond the sums respectively appropriated. I esteem it proper to set out with this remark, because, as will appear from some of the abstracts which accompany this report, certain expenditures have been made applicable to certain heads of appropriation, inadvertently, no doubt, other than those for which they were intended by the Congress; thus depriving certain branches of the service of the means upon which reliance was placed to sustain them. The inconvenience, however, was temporary, since, on a more general settlement of accounts, the sums so abstracted, by the accounting officers, in part, at least, were, by counter-warrants, restored by them to their proper heads. This reference to this subject will be more full illustrated when I come to remark on the abstracts; and it is necessary for it to be made, since, without it, it could not be understood how the disbursements within the three quarters of the present year exceeded the appropriations applicable to the same period. But this becomes manifest, when, for example, a given sum for 1828 is abstracted from its legitimate object, which prevented its disbursement in 1828, but, being restored in 1829, is disbursed in 1829—the bills drawn upon it, meanwhile, lying over.

The fiscal operations of the Indian Department are shewn in the four accompanying abstracts. Two of these (A and supplement, and B) apply to the service of the present year: and one of them (C) to the *disbursements* made, in 1829, of means provided in, and prior to, 1828, but which, although appropriated in, and prior to, 1828, looked to the future: for example, to carry into effect certain treaties, in the removal of Indians, &c.

Abstract A (and supplement) shews the amount appropriated for the current expenses of the Department for 1829 (viz. $ 151,100;) the amount disbursed (viz. $ 127,959 12;) the amount accounted for (viz. $ 77,024 79;) and the balance to be accounted for (viz. $ 50,934 33.)

Supplement to abstract A shows that an additional amount (viz. $ 9,354 14) has been *disbursed* in 1829, over and above the sum appropriated for contingencies (viz. $ 22,250) for 1829. This is one of the items referred to in the preceding remarks. This sum is for so much abstracted by the ac-

counting officers of the Treasury from the appropriation for *contingencies* for 1828, and reimbursed afterwards, in the settlement of accounts by counter-warrant, to the credit of the same head. The demands against this head of appropriation, and which were payable in 1828, have been met in the amount so restored in 1829. Without this explanation, it might appear that a greater amount had been disbursed in 1829, for contingencies, than was appropriated for that branch of the service for 1829.

Abstract B shows the amount (viz. $199,102 53) appropriated, and under the various heads, by the last or second session of the 20th Congress, for carrying into effect certain treaty stipulations, &c. &c.; the amount disbursed (viz. $181,042 24) within the three quarters of the year 1829; the amount accounted for (viz. $100,262 05;) and the balance that remains to be accounted for (viz. $80,780 19.)

Abstract C shows the amount of requisitions (viz. $246,986 76) *drawn* on account of appropriations made prior to the last session of Congress, but which looked to the future, as stated; the amount accounted for under each head, (viz. $167,214 76,) and the balance remaining to be accounted for (viz. $79,772.)

Abstract D shows the state of the fund arising out of the annual appropriation of $10,000 for the civilization of the Indians.

The abstract which accompanied my report of 28th November, 1828, on civilization, shows an amount applicable to the service of 1829 of $12,335 06, which is $2,335 06 over and above the annual appropriation. The act appropriating this fund for this object was approved 3d March, 1819. Immediately thereafter, steps were taken by the Executive to render it effective. The system which was adopted, and which is yet operated upon, was not put in operation for some time thereafter. The appropriation being annual, the sum increased. When the allotments were made, they were based, in part, on the increase, and embraced, also, in part, the cost of erecting buildings. In 1827, the increase being absorbed, it became necessary, in order to keep the disbursements within the sum appropriated, (viz. $10,000,) to reduce the scale of distribution. To accomplish this, a basis of $7,150 was adopted, which being continued for two years, enabled the Department to meet all the demands arising out of the first allotment, and those, also, resting upon the new and reduced basis of distribution, and leave, in 1829, a balance to the credit of the appropriation of $2,335 06, which, when added to the amount appropriated. viz. $10,000, left, for the service of the year 1829, $12,335 06, as stated. Bills were drawn, on the authority of the Department, by those employed in the application of this fund, and recommended by me for payment, but, in their progress through the Treasury, were stopped. Relying on the correctness of my own books, and supposing it probable that this fund might, like that for contingencies, have been diverted in the settlement of accounts, the proper examinations were instituted, when it appeared that $3,375 22 had been so diverted; and, being so reported, your order for its restoration gave back to the service this amount. This statement is made here to show why, as in the case of contingencies, a larger amount has been, and will have been disbursed, in 1829, than would harmonize with my report of November, 1828.

In connexion with this abstract, I submit a statement, (E,) in compliance with your order, showing the number of schools to which the benefit of this fund is extended, where established, by whom, the number of teachers, number of pupils, the amount allowed and paid to each school; to which is

superadded remarks as to the state of the schools, &c. &c. From this statement, it will be seen that there are in operation forty-five schools, including the Choctaw academy, at which there are 1,460 children, an increase over last year of 169.

The allotments for the year 1829 are upon a less amount (to wit, $1,200) than that appropriated. This basis, although larger than that of the two previous years, is smaller than the appropriation by $1,200. I considered it safer to adopt this reduced basis until the deranged state of the fund to which I have referred could be so adjusted as to place it within the power of the Executive. This being now done, it is proposed to increase the ratio of distribution, and as you may direct, to the annual sum of $10,000, which will leave a small excess to the credit of the fund, to meet any incidental demands for furthering the plan of civilization.

On reference to the foregoing abstracts, it will appear that the total amount disbursed through the Indian Department, in the three first quarters of the year 1829, is $561,950 62; that $345,326 60 has been accounted for, and $216,624 02 remains to be accounted for.

It is believed that when the returns are all made, the disbursements will all be accounted for. One reason why the balance unaccounted for appears as large as it is, apart from the absence of returns under several heads, is, that remittances have been made for the whole year, (except for civilization of Indians,) whilst the abstracts are made up to include returns for the first three quarters only, and not entirely for these.

There is one other subject connected with the fiscal concerns of the Indian Department, which I beg leave respectfully to submit. It relates to arrearages. What these arrearages amount to, I have no means of ascertaining; but their existence has occasioned serious embarrassment, from time to time, to the public service. These arrearages have been charged up, from year to year, by the accounting officers of the Treasury, in the order of settling accounts, (accounts are not "*settled*" in this office; the law refers them for "settlement" to the Second Auditor,) to the exclusion of demands (if they did not happen to get in first) which were entitled to be met. This occasioned, not embarrassment only, to the service, but discontent, and loss, no doubt, to those whose calculations of payment were thus frustrated. I have no means of tracing out the periods when sums have been expended over and above the amount provided, or of stating, except in part, the objects which rendered these expenditures necessary. This office was created in 1824; since which period, *its action* has been upon and within, as I have before stated, the sums appropriated by the Congress. A report from the Second Auditor will doubtless show what the aggregate amount is, and otherwise satisfactorily explain the subject.

In regard to arrearages, however, they happen more or less in eve branch of the service, and have often occurred in this. In 1818, the amou appropriated for the current expenses of the Indian Department v $200,000. In 1819, the then Head of the Department of War found necessary to ask for $240,000, "*including arrearages, &c. &c.*" In 18 the sum of $200,000 was again appropriated; and it was proposed by t Head of the Department, in 1821, to reduce it to $170,000. The Co gress, however, decided against *this* sum, and gave only $100,000 for t service of that year, but, in the same act, appropriated for arrearages of t Indian Department $130,205 44, which sum was to meet contractors' counts, and other obligations, covering this precise amount; and, in 18

the sum of $ 123,638 was appropriated for the service of that year, and $ 70,000 to make good the *deficit* of 1821.

When any branch of the public service has to be provided for upon *estimate*, as is peculiarly the case with the Indian Department, since it is impossible to foresee all the wants and variety of demands that may occur over such an extent of country, and among such vast numbers of suffering human beings, amongst whom agents have been appointed to reside, with certain *necessary* discretionary powers, or the precise sum which it would require to meet the demands of each year, it is but reasonable to expect that arrearages will occur. If the arrearages be only $ 75,000, as is supposed, it is evidence of the great correctness of the estimates, and of their close adherence to the actual demands, it having been seven years since arrearages were called for on account of the Indian Department or deficiencies supplied, which is but little over an average annual sum of *ten thousand dollars*. The circle of our Indian relations has been, meanwhile, greatly enlarged, whilst the annual appropriations for contingencies have been about the same, viz $ 95,000.

In obedience to your orders, the action upon Indian affairs of the accounting branches upon the appropriations for the year 1829, was to be confined to the amount appropriated for the service of that year; and, in pursuance of your directions, conditional drafts (conditional on appropriations being made by Congress to meet them) have been drawn by the Superintendents and Agents, to make good the deficiencies within the respective spheres of their operations, for the previous year, and which could not be met out of the appropriations for this year, without embarrassing the service, as heretofore, in a corresponding amount. These bills, so far as drawn, are on file in this office, and will be submitted in due time to be placed before the Committee of Ways and Means.

There is one other item of disbursement, which, although it touches this office but incidentally, yet, as it passes through it as an item of expenditure, and may serve to account, in part, for the arrearages, I consider it to be not wholly irrelevant to remark upon. I refer to the annuity due to the Seneca tribe of Indians, in the State of New York. This annuity is derived from stock held in the name of the President of the United States, for the benefit of those Indians. The principal, viz: $ 100,000, has its origin in a provision of the treaty entered into between this tribe and Robert Morris, under the sanction of the United States, in 1797. It is stipulated in that compact, that the sum aforesaid should be, by the said Robert Morris, vested in the stock of the Bank of the United States, and held in the name of the President of the United States, for the use and behoof of the said nation of Indians. The obligation on the part of Robert Morris was complied with; and the Indians have been receiving ever since, so far as the records in this Department show, an annual interest of $ 6,000, until the present year.

This year, and in pursuance of your directions, the state of the fund was examined; and it appearing that the $ 100,000 hitherto vested in the stock of the old Bank of the United States had been subsequently vested in the United States' three per cent. stock, and to the original sum had been added $ 12,853 78; making the principal $ 112,853 78; and the interest on this being $ 3,385 60, you directed this amount, and no more, to be remitted to the owners of said stock; which has been done accordingly. It is *presumed* this stock has produced no more than the amount remitted this year, at

least since the year 1822, when the last appropriation for arrearage or deficiency was made; and it is *known* that since, as well as before that period, $6,000 were annually remitted. These $6,000 were taken from contingencies, and the proceeds of the stock were, from time to time, placed to the credit of this fund. There has been an annual draft, therefore, upon the contingencies of the Indian Department, of the difference between the $6,000 remitted and the proceeds of the stock received, which, for six years, (that is, from 1822 to 1828,) has amounted to $15,686 40,* as a charge upon the contingencies over and above the credits given, which accounts for so much of the present arrearage of the Indian Department. This item, when added to the expenses incurred in allaying the excitements on the Northwestern frontier in 1827, and expenditures made among the starving Kankakee and Florida Indians, a large portion of these arrearages will be accounted for.

It may be worthy of consideration whether a more productive investment of this stock cannot be made; but this, doubtless, will receive the Executive consideration.

General Saunders and the Rev. H. Posey were appointed to execute the intention of the act of Congress of 2d March last, appropriating $20,000 for the purpose of purchasing such reservations of land as might be claimed by Indians or Indian countrymen within the limits of N. Carolina, by virtue of treaties made by the United States with the Cherokee Indians. The trust has been, in part, fulfilled; and the whole of it, it is presumed, will soon be.

The Indian Agent at Piqua, in Ohio, (Col. M'Elvaine,) was directed to open a negotiation with the Delaware Indians, in pursuance of the intention of an act of Congress of this same date, for the purchase of their reservations in that State. This duty has been performed, and the purchase made. There remains a balance of the appropriation, after paying the price stipulated, which will be applied to carry into effect the remaining intention of the act, viz· "to aid said Indians in their removal West of the Mississippi."

The various appropriations made by act, approved also 2d March, 1829, to carry into effect the provisions of the treaty with the Pattawatima Indians, of the 20th September, 1828, have been all applied; and remittances have been made, from time to time, under provisions of the same act, for compensation, &c. &c. to the emigrant Cherokee Indians, under all the various heads as enumerated in said act, and as provided for by treaty of 6th May, 1828.

The treaty of the Butte des Morts on Fox river, of the 11th August, 1827, and which was ratified 23d February, 1829, contains various provisions, for which appropriations are required to be made. These will be submitted, as also others for such other objects as may remain to be provided for.

On the 30th May last, General Carroll, of Tennessee, was appointed Commissioner, to go among the Cherokee and Creek Indians, and hold conferences with them on the subject of emigration. On the 8th July following, General Coffee was united in the same commission. Their instructions herewith submitted, (No. 1,) will best explain the objects entrusted to them, as also their important bearing upon the present and future happiness of the Indians. In this measure, the compact with the State of Georgia, in which the Cherokees are concerned, was sought to be fulfilled. I submit the returns of those Commissioners, so far as they have been received, in papers numbered 2 and 3.

* I have just ascertained the difference against the contingent fund to be $ 13,834 75

Meanwhile, Col. Montgomery, the Agent for the Cherokees, was acting under instructions growing out of the provisions of the treaty of Washington, of 6th May, 1828, and the Creek Agent, Col. Crowell, under the act of Congress of 20th May, 1826, to aid certain Indians of the Creek nation in their removal West of the Mississippi, and a subsequent act of 9th May, 1828, appropriating $ 50,000 with a view to the same object.

Under the treaty of the 6th May, 1828, and with the means provided by Congress to carry the same into effect, Col. Montgomery has enrolled and sent off 510 souls, of whom 431 are Cherokees, and 79 blacks; and Col. Crowell has sent off 1200 Creeks. The evidence furnished the Department, as to the disposition of both those tribes to remove, is demonstrative of their willingness to go; but they are held in check by their chiefs and others, whose interest it is to keep them where they are. Among the Creeks, especially, the most severe punishments have been inflicted, by mutilating, and otherwise, those who had enrolled to go, and while in their camp, and where they supposed they would be protected. Such is the dread of these people of the violence of their chiefs, that they are afraid to express their wishes on this subject, except in whispers, and then only to those in whom they have entire confidence. It will be seen from Gen Coffee's report, above referred to, (No. 3,) that a like terror is exercised over the Cherokees. It is by no means unnatural for the chiefs of those tribes to oppose the going away of their people. It would be unnatural if they did not. In proportion to the reduction of their numbers does their power decrease; and their love of power is not less strong than other people's. It confers distinctions, not only among themselves, but in relation, also, to neighboring tribes. And to this feeling may be superadded the uncertainty which rests upon the future, drawn from the lessons of the past. But there are, I respectfully suggest, remedies for both, and the Federal Government has the power to apply them. The presence of an armed force would effectually relieve the first; and the adoption of a system for their security, and preservation, and future happiness, that should be as effective and ample as it ought to be permanent, would relieve the last. I would not be mistaken as to the use that should be made of the military. Its presence should be preceded by the solemn declaration that it was coming not to compel a single Indian to quit the place of his choice, but only to *protect* those who desire to better their condition, and in the exercise of their wish to do so. Humanity seems to require this, and, if this measure had been adopted sooner, many who now smart under the lash of their chiefs, and who are doomed to pass the remainder of their lives with mutilated bodies, would be free from the one, and not have to endure the suffering and disgrace of the other.

Surely when States, in the exercise of their sovereignty, are extending ir laws over a people whose chiefs admit (I refer to the Cherokees) that h a measure would "*seal their destruction,*" and when every circumıce appears to have combined to render the great body of our Indians hin the limits of States unhappy, and to impoverish and destroy them, ıething ought to be done for their relief. Justice demands it, and Huıity pleads for these people. The public sympathy is strongly excited. The Florida Indians, there is little doubt, are willing to join the Creeks; l the dispositions of the Chickasaws are indicated by the extract hereh submitted, (No. 4,) on the subject of their recent visit to seek a coun-

. The Indians in Ohio, especially the Senecas and Delawares, seek to I submit a talk (No. 5) of the chiefs of the former, addressed to the

President on this subject. The Agent, Col. M'Elvaine, is of opinion that, in five years, with the means to effect their removal, there will remain no Indians in Ohio.

A new difficulty has arisen in regard to the Cherokees and between them and the State of Georgia. It relates to boundary. The subject is amply discussed in your letter to His Excellency the Governor of Georgia. I accompany this with a copy of it (No. 6.) No report has been received from Gen. Coffee, who was appointed to collect and report all the facts touching the controversy. The Cherokees, however, have furnished the Department, through the Agent, with the grounds upon which they rest their claim to the boundary for which they contend. These documents are on file in this office.

In reference to emigration, and to the means necessary for its accomplishment, I beg leave respectfully to add, that, in lieu of the usual mode of *estimating*, for all the different branches of expenditure, upon the basis of numbers, for rations, transportation, &c. &c., which can never be done with certainty, (it not being possible to know beforehand how many will go,) a sum be appropriated and made applicable to emigration *generally*, and to compensation for improvements, and placed at the disposal of the Executive; and for this object I recommend the sum of $ 300,000 dollars. It is my opinion, also, that a great saving might be effected by changing the agencies for emigration from the local agents to contractors. I have seen nothing to induce a belief that the Agents employed among the Cherokees and Creeks have not been zealous; but it does appear to me that a saving of more than one-third of the cost of each emigrant could be realized upon contract. The Agents might be well employed, and usefully and abundantly, in co-operating, and especially in seeing that all the terms of the contracts in which the comfort, and health, &c., of the emigrants were concerned, were faithfully executed.

But it does appear to me as indispensable, that, as a first step in any great movement of the sort, the country on which it is proposed to place these people at rest, and forever, should be clearly defined, and nothing left unprovided for by the Government, that concerns either their security, preservation, or improvement. Nor should the emigrants be sent off to settle where and how they might list; but the whole business should, I respectfully submit, be conducted upon one regular and systematic plan; and what may be done in reference to the whole of it ought to be done with a view to their solid and lasting welfare.

With the exception of the rencontre between certain Indians in Missouri and some of the citizens of that State, which took place in Randolph county, peace has been preserved between the white and red men along our borders. This rencontre has not yet been fully reported upon. It is understood the parties charged with the killing of the whites are now undergoing an examination at St. Louis. Some of the Western tribes, the Sioux, Sacs, and Foxes, are at war with each other. But this is common to those tribes. Theirs are feuds of ancient origin. They will, it is presumed, fight on until some one or other of the tribes shall become too reduced and feeble to carry on the war, when it will be lost as a separate power. Meanwhile, however, Gen. Clark has been instructed to bring about a pacification, if he can. Humanity directs that these people, who sport so with each other's lives, should be counselled frequently, and led, if possible, to cherish the more agreeable state of peace and friendship. The great sufferers in gene-

ral contests of this sort, next to the Indians, are the traders. The hunting parties are broken up by these wars, and there is a corresponding reduction in their returns, and of loss to the companies: for they furnish the Indians, upon credit, with their annual outfits. If they are killed, the traders lose finally; or, if they quit hunting and go to war, payment is delayed. I beg leave respectfully to refer, and no more, to the advantage which the British have over the American traders. The leading articles in the Indian trade, blankets and strouds, cannot be manufactured for the want of the proper kind of wool in the United States; and the Indians of the North and North-west will not trade in any other or inferior goods.

On the subject of the administration of this office, to which you have called my particular attention, I have to remark, that a new modification of it is indispensable to its efficiency. It is, although as well organized as, perhaps, it could be by a merely Executive arrangement—and it rests upon this only—too powerless to be effective, and too responsible for its feebleness. It should, I respectfully suggest, rest as the other branches in the Department do, upon Congressional enactments; and the responsibility should be to that body, through the head of the Department proper. It never was intended to remain as it was first established; and two Committees of the House of Representatives have, since its creation, unanimously reported a bill upon the basis I have suggested; which bills were twice read in the House, but were not acted on, because they could not be reached. A new organization has been esteemed to be important by every head of the Department of War, including the one under whose administration it was created, and recommended by them all. So pressing did this necessity grow, that Governor Cass and General Clark were called to Washington to digest a system. This was done. (See Doc. No. 117, 20th Congress, 2d Session.) I consider their report able and judicious, and the provisions of the bill which accompanies it, ample and apposite, with one exception: this relates to the mode of accounting. I esteem the mode of settling accounts partially, [or ficticiously] and then generally, [or finally,] and the taking from one head of the appropriation to give to another, to be fatal to the harmony and credit of the service, and one that ought not to be practised. In lieu of that mode, I would respectfully suggest, that in each Department, beginning with this, (and it should begin here, since all the estimates are prepared here,) accounts should be *opened* under each head of appropriation; and *settled* under each head. If an agent is deficient at all in his payments, or his vouchers, it will be seen under which head; and instead of closing his account by abstracting money from another branch of the service, to *close* [not finally] his account, it should be left open under each and every head, for which he had not accounted. There would then remain always the means to meet demands properly due from each head; and not, as has been, and as has been shewn at the commencement of this report, a diversion from one head of the appropriation made to close a deficiency in another, to the *exclusion* of the legitimate demands against the head thus abstracted from—the demands having, meanwhile, to lie over until *other* and final returns come in, bringing the vouchers upon which a *counter warrant* is issued, to replace the amount to the credit of the fund from which it had been diverted.

To exemplify my meaning as to the mode, which I respectfully suggest ought to be adopted, and acted upon throughout the whole progress of the settlement of accounts, touching this branch of the service, I submit two forms, (No. 7 and 8,) one shewing the heads under which estimates are made, and another shew

ing a settlement of a set of returns under this form. The adoption of this mode of settling the accounts, with the report of Messrs. Cass and Clark, as referred to, will give to the Indian Department the efficiency it needs, and without which, it is not possible to maintain that accuracy and speed which should characterize a branch of the Government service, the importance of which may be estimated from the varied and multiplied and laborious character of its duties, and the immense sums of money that are annually involved in its operations.

All which is respectfully submitted.

THO. L. M'KENNEY.

To the Hon. JOHN H. EATON,
Secretary of War.

A.

STATEMENT showing the sums appropriated for current expenses of the Indian Department, for the year 1829; the amount disbursed under each head between the 1st of January and 30th September; the amount of accounts rendered for settlement, and balance remaining to be accounted for.

HEADS OF APPROPRIATION.	Sums appropriated.	Amount disbursed.	Am't of acc'ts rendered for settlement.	Balance remaining to be accounted for.
Pay of Superintendent of Indian Affairs at St. Louis, and the several Indian Agencies, as authorized by law	31,000	28,150	14,897 98	13,252 02
Pay of Sub-agents, as allowed by law	15,100	15,070	10,339 96	4,730 04
Presents to Indians	15,000	11,246 76	5,564 41	5,682 35
Pay of Interpreters and Translators, &c.	18,550	18,268	9,927 19	8,340 81
Pay of gun and blacksmiths, and their assistants, &c.	19,400	16,299	7,278 23	9,020 77
Iron, steel, coal, and other expenses attending the gun and blacksmiths' shops	5,000	4,450	1,075 75	3,374 25
Expense of transportation and distribution of annuities	9,500	7,385	4,341 88	3,043 12
Expense of provisions for Indians, &c.	10,000	6,778	4,471 82	2,306 18
Expense attending the visits of Indian Deputations, &c.	5,000	112 50	112 50	
Contingencies Indian Department	22,550	11,339 60	10,154 81	1,184 79
	151,100	119,098 86	68,164 53	50,934 33

SUPPLEMENT to Statement A, showing the additional means for current expenses of the Indian Department; the amount disbursed between the 1st of January and 30th September; and the amount of accounts rendered for settlement.

	Additional means.	Amount disbursed.	Am't of acc'ts rendered for settlement.
Contingencies Indian Department, passed to the credit of this head of appriation by the accounting Officers of the Treasury	9,354 14	8,860 26	8,860 26

A.

RECAPITULATION.

Amount appropriated - - - - - -		$ 151,100
Amount drawn in 3 quarters, ending 30th September -		119,098 86
		$ 31,001 14
Balance applicable to expenditures under the various heads of appropriation on account of 4th quarter of 1829.		
Amount accounted for - - - -	68,164 53	
Remaining to be accounted for - - -	50,934 33	
Amount drawn - - -	$ 119,098 86	
Additional means per supplement - -	9,354 14	
Amount drawn - - - -	8,860 26	
		493 88
Amount accounted for - - -	8,860 26	
Total balance, applicable - - -		$ 31,495 02

DEPARTMENT OF WAR,

Office of Indian Affairs, November 17, 1829.

B.

STATEMENT showing the sums appropriated to carry into effect Treaty Stipulations, &c. per acts passed at the last, or second session of the 20th Congress, on account of which requisitions have been drawn, between the 1st January and the 30th September, 1829, with the amount of the same, the amount accounted for, and balance that remains to be accounted for.

HEADS OF APPROPRIATION.	Amount appropriated.	Amount of requisitions drawn.	Amount accounted for.	Balance remaining to be accountedfor.
Expense incurred by the Marshal of Michigan, &c.	1,800 00	1,670 42	1,670 42	
Expense incurred by the exploring party—in addition	7,168 13	2,000 00	-	2,000 00
To extinguish the title of the Delawares to reservations in Ohio	6,000 00	3,200 00	-	3,200 00
Compensation to the Indians in Ohio, for depredations	1,539 25	1,539 25	1,539 25	
Support of a school for education of Chippewa youths	1,000 00	1,000 00	-	1,000 00
Annuity to Patawatamies, under treaty of 16th October, 1826	2,000 00	2,000 00	-	2,000 00
Support of a blacksmith and miller, and for delivery of salt	1,520 00	1,520 00	-	1,520 00
Permanent annuity to Miamies	25,000 00	25,000 00	-	25,000 00
Iron, steel, and tobacco, for same, and employment of laborers	1,100 00	1,100 00	-	1,100 00
Education of youth of the Miamies	1,000 00	1,000 00	-	1,000 00
To make good a deficiency in the appropriation to carry into effect treaty with Osages and Kanzas	16,895 40	16,895 40	9,426 07	7,469 33
Payment of the Winnebagoes, per agreement of 25th August, 1828	20,000 00	20,000 00	20,000 00	
Permanent annuity to Patawatamies	2,000 00	2,000 00	-	2,000 00
Limited annuity to same	1,000 00	1,000 00	-	1,000 00
Purchase of goods, and payment in silver to same	45,500 00	45,000 00	45,000 00	
Expense of Farming, and for utensils for same	7,500 00	7,500 00	-	7,500 00
Tobacco, iron, steel, education, &c. for same	2,960 00	2,460 00	-	2,460 00
Payment of claims against same	10,895 00	9,995 00	9,995 00	

STATEMENT *B.*—Continued.

HEADS OF APPROPRIATONS.	Amount appropriated.	Amount of requisitions drawn.	Amount accounted for.	Balance remaining to be acoounted for.
Compensation to Cherokees emigrating	10,724 75	9,699 80	12,631 31	2,197 53
Expense of transportation	2,000 00	500 00		
Expense of emigration	5,000 00	4,629 04		
Compensation to appraisers, under 8th article of Cherokee treaty	6,500 00	1,333 33	-	1,333 33
For purchase of reservations yet claimed by Indians in North Carolina	20,000 00	20,000 00	-	20,000 00
	199,102 53	181,042 24	100,262 05	80,780 19

RECAPITULATION.—B.

Amount appropriated		199,102 53
Amount drawn in three quarters, ending 30th September,		181,042 24
Balance applicable to the further expenditures under the several heads of appropriation		$ 18,060 29
Amount accounted for	100,262 05	
Remaining to be accounted for	80,780 19	
Amount drawn	$ 181,042 24	

DEPARTMENT OF WAR,

OFFICE INDIAN AFFAIRS, *November 17th*, 1829.

C.

STATEMENT shewing the amount of Requisitions drawn on account of appropriations made prior to the last, or second Session of 20th Congress, between the 1st of January and 30th September, under the respective heads; the amount accounted for, and balance that remains to be accounted for.

HEADS OF APPROPRIATION.	Amount of Requisitions drawn.	Amount accounted for.	Balance remaining to be accounted for.
To aid certain Indians of the Creek nation in their removal,	1,000	-	1,000
Payment to the Creek nation, per supplemental article of Creek Treaty,	3,005 50	2,811 48	494 02
To carry into effect 6, 7, 8th, and other articles of Creek Treaty,	300		
To aid the emigration of the Creek Indians, and providing for them 12 months,	23,224 66	4,224 66	19,000
To carry into effect articles of agreement and cession between the U. States and Georgia,	2,000	-	2,000
Providing means for education, &c. for Patawatimies,	806 50	-	806 50
Education of youth, &c. of Miamies,	500	-	500
Expense of running boundary line for Cherokees,	140 83	-	140 83
Compensation to emigrating Cherokees,	563 45	-	563 45
Cost of emigration, same,	2,118 32	-	2,118 32
Provisions for a year for same,	1,650	-	1,650
Indian annuities	211,677 50	160,178 62	51,498 88
	246,986 76	167,214 76	79,772

RECAPITULATION C.—Amount accounted for, - - 167,214 76
Remaining to be accounted for, 79,772
Amount drawn, - - - $246,986 76

DEPARTMENT OF WAR,
OFFICE INDIAN AFFAIRS,
November 17, 1829.

D.

STATEMENT showing the amount appropriated for civilization of Indians for the year 1829; *the amount drawn between the* 1st *January and* 30th *September; amount accounted for; and balance that remains to be accounted for.*

	Amount appropriated.	Amount drawn.	Amount accounted for.	Balance that remains to be accounted for.
Civilization of Indians per act 3d March, 1819, - - -	10,000 00	4,250 00		

SUPPLEMENT to Statement D, *showing the additional means for Civilization of Indians; the amount drawn between the* 1st *January and* 30th *September; the amount accounted for; and balance that remains to be accounted for.*

	Additional means.	Amount drawn.	Amount accounted for.	Balance to be accounted for.
Civilization of Indians, reimbursed to the credit of this head of appropriation, by the Accounting officers of the Treasury, - - -	3,375 22	1,712 50		

D.

RECAPITULATION.

Amount appropriated for 1829, - - - -			10,000 00
Amount drawn in three quarters, ending 30th Sept.		4,250 00	
Amount required under the allotment for 1829, to meet the demands for the fourth quarter and part of the third, remaining undrawn - -		4,850 00	
			9,100 00
Balance remaining, -		- -	900 00
Amount accounted for, - -	825 00		
Remaining to be accounted for, -	3,425 00		
Amount drawn -	$4,250 00		
Additional means per Supplement, - -		3,375 22	
Amount drawn in three quarters, ending 30th September, - -	1,712 50		
Amount required under the allotment for 1828, to meet the demands, -	249 50		
		1,962 00	
			1,413 22
Balance remaining unexpended under this head,	- -		$2,313 22

DEPARTMENT OF WAR,

Office Indian Affairs, November 17, 1829.

E.

STATEMENT showing the number of Indian schools, where established, by whom, the number of teachers, &c. the number of pupils, the amounts allowed from the civilization fund for the year 1829, with remarks as to the prospects, &c. of the schools.

No.	Name of site and station.	By whom established.	No. of teachers.	No. of pupils.	Amount allowed for 1829.
1	Spring Place, Cherokee nation, Alabama,	United Brethren,	7	11	250
2	Oochgeelogy, do.	Do.	5	18	
3	Elliott, Choctaw nation,	Amer. Board of Com'rs for For. Missions,	7	50	
4	Mayhew, do	Do.	7	60	
5	Emmaus, do	Do.	5	20	
6	Goshen, do	Do.	4	28	
7	Mr. Juzan's, do	Do.	1	14	
8	Ai-ik-hun-a, do	Do.	2	30	
9	Hebron, do	Do.	3	20	
10	Yak-nok-cha-ya, do	Do.	4	30	
11	Brainerd, Cherokees, East Mississippi,	Do.	2	50	
12	Carmel, do	Do.	1	30	
13	Creek-path, do	Do.	1	31	
14	Hightower, do	Do.	1	10	
15	Willstown, do	Do.	1	03	
16	Haweis, do	Do.	1	10	
17	Candy's Creek, do	Do.	1	30	
18	Dwight do West Mississippi,	Do.	2	50	4,250
19	Mulberry settlement, do	Do.	1	30	
20	Monroe, Chickasaw nation,	Do.	4	20	
21	Tockshish, do	Do.	3	22	
22	Caney Creek, do	Do.	3	30	
23	Martyn, do	Do.	2	26	
24	Senecas, near Buffalo, N. Y.	Do.	2	45	
25	Cattaragus, Senecas, do	Do.	1	40	
26	Tuscaroras, do	Do.	1	45	
27	Union, Osages, Arkansas,	Do.	2	45	
28	Hopefield, do on the Neosho,	Do.	1		
29	Harmony, do Missouri,	Do.	2	30	
30	Neosho, do	Do.	1		
31	Ottowas, Miami of the Lake,	Do.	1	22	
32	Michillimackinac,	Do.	3	157	
33	Carey, on the St. Joseph, among the Patawatamies,	Baptist General Convention,	14	70	
34	Thomas, Grand river, Ottawas,	Do.	8	20	
35	Withington, Creek nation,	Do.	6	16	
36	Valley Town, Cherokees, East Mississippi,	Do.	5	20	2,000
37	Notley, do do	Do.		30	
38	Tonawanda, Senecas, New York,	Do.	2	25	
39	Oneidas, do	Do.	5	28	
40	Wyandott's, near Upper Sandusky, Ohio,	Methodist Society,	10	40	400
41	Asbury Mission, Creek nation,	Do.	6	22	150
42	Oneida Castle, New York,	Protestant Episcopal Church, N. York,	3	30	300
43	Charity Hall, Chickasaw nation,	Cumberland Missionary Board	9	26	300
44	Florissant, Missouri,	Society of Jesuits,	8	15	400
				1,359	$ 8,050

Add to the amount of allowances $ 100, allowed for the education of one Indian boy at Kenyon College, Ohio; $ 350 for seven Indian boys in New York, under the directions of the Baptist General Convention; $ 200 for two Indian boys at Castleton Academy, Vermont; and $ 100 for one boy at the Choctaw Academy, Kentucky: Making together - - - - - - - - - - - 750

Aggregate amount of allowances from the Civilization fund, - - - $ 8,800

STATEMENT E.—Continued.

REMARKS &c.

The annual reports of the schools due on the 1st ultimo, have not all been received. This statement is, therefore, prepared, in part, from former reports, and from such other information on the subject, (believed, however, to be correct,) as is in the possession of this office. From the information referred to, and the reports received for this year, a most encouraging prospect is afforded, as to the facility with which instruction can be imparted, and good order maintained, promising a satifactory result, provided there were some arrangements made by which the children, after they left school, could be suitably established and assisted, upon some such plan as I had the honor to suggest in my report of 28th November, 1828.—(See Document No. 11, in volume of State Papers. of the House of Representatives United States, 2d Session, 20th Congress.)

The number of children in the schools in the Indian country, and which receive aid from the civilization fund, is	-	-		1,359
At Kenyon College, in Ohio, educating from the same fund,	-			1
At Baptist missionary school, in New York,	do	-	-	7
At Castleton Academy, Vermont,	do	-	-	2
At Choctaw Academy, Kentucky,	do	-	-	1
Making the number, the expense of whose education is, in part, defrayed from the civilization fund,	-	-	-	1,370
Add the number of pupils at the Choctaw Academy, Kentucky, all of whom are educated from funds set apart for that purpose, by the Indians themselves,	-	-	-	90
Making the whole number of Indian children now receiving education,	-	-	-	1,460

NOTE.—The numbers under the head of "Number of teachers," in some cases, embrace the whole mission family, including mechanics and laborers; the reports not designating the number of teachers, which varies from one to three, as circumstances may require

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS,
17*th November*, 1829.
THO. L. McKENNEY.

No. 1.

Instructions to Generals Carroll and Coffee.

DEPARTMENT OF WAR, 30*th May*, 1829.

SIR: A crisis in our Indian affairs has arrived. Strong indications are seen of this in the circumstance of the Legislatures of Georgia and Alabama extending their laws over the Indians within their respective limits. These acts, it is reasonable to presume, will be followed by the other States interested in those portions of their soil now in the occupancy of the Indians. In the right to exercise such jurisdiction the Executive of the United States fully concurs; and this has been officially announced to the Cherokee

Indians. The President is of opinion that the only mode left for the Indians to escape the effects of such enactments, and consequences more destructive, and which are consequent on their contiguity to the whites, is, *for them to emigrate.* He sees the peculiarly delicate and dangerous grounds they occupy. He is sincerely anxious, by the exercise of the powers vested in him, and the application of any means, applicable to the great object, to save these people, and relieve the States. He is of opinion, if the Indians can be approached in any way that shall elude their prejudices, and be enlightened as to their true relation to the States, upon the one hand, and what would be their relation, in the West, and to the General Government, on the other, they would consent to avoid the evil effects of the first, and realize to themselves and posterity the benefits of the last. He proposes to make the effort with the Cherokees and Creeks, and would extend it also to the Choctaws and Chickasaws, were there means at his disposal that could be made applicable to the effort among them. It is the wish of the President, as well from your known acquaintance with the Indian character, as from their knowledge of you, that you would undertake to enlighten the Cherokees and Creeks on the great subject of their best interests. The President is of the opinion that with those Indians the adoption of the forms of Council would not lead to any beneficial result. Still, in your progress through their country it would be well to ascertain, if you can do so, without disclosing the purpose of the Executive, to hold councils, whether they would assemble in this general way; and with what prospect of success. In the event of their manifesting a willingness to negotiate for a cession under this form, you will inform the Department, when, the prospect of success authorizing it, arrangements will be made accordingly.

The past, however, has demonstrated their utter aversion to this mode, whilst it has been made equally clear that another mode promises greater success. In regard to the first, the Indians have seen in the past, that it has been, by the results of councils that the extent of their country has been, from time to time, diminished. They all comprehend this. Hence it is that those who are interested in keeping them where they are, alarm their fears, and, by previous cautioning, induce them to reject all offers looking to this object. There is no doubt, however, but the mass of these people would be glad to emigrate; and there is as little doubt that they are kept from this exercise of their choice by their chiefs, and other interested and influential men amongst them, who, tenacious of their authority and their power, and unwilling to forego their gainful position, keep them under the ban of their dictation.

Nothing is more certain than that, if the chiefs and influential men could be brought into the measure, the rest would implicitly follow. It becomes, therefore, a matter of necessity, if the General Government would benefit these people, that it move upon them in the line of their own prejudices; and, by the adoption of any proper means, break the power that is warring with their best interests. The question is, how can this be best done? Not, it is believed, for the reasons suggested, by the means of a general council. There they would be awakened to all the intimations which those who are opposed to their exchange of country might throw out; and the consequence would be—what it has been—a firm refusal to acquiesce. The best resort is believed to be that which is embraced in an appeal to the chiefs and influential men—not together, but apart, at their own houses: and by a proper

exposition of their real condition, rouse them to think upon that; whilst offers to them, of extensive reservations in fee simple, and other rewards, would, it is hoped, result in obtaining their acquiescence. This had, their people, as a body, it is believed, would gladly go.

The President views the Indians as the children of the Government. He sees what is best for them; and that a perseverance in their refusal to fly the dangers that surround them, must result in their misery, and final destruction. He would, if appeals to reason fail, induce them, by rewards, to avoid the threatened calamity.

Your first business, should you consent to engage in this work of mercy to the Indians, would be to ascertain upon whom, as pivots, the will of the Cherokees and Creeks turns. Go to them not as a negotiator, but friend. Open to each a view of his danger, and the danger that threatens his people. This may be made up of references to their present state, as to numbers, when compared with the past; the causes that have produced this thinning of their numbers; and here you might enlarge on their comparative degradation as a people, and the total impossibility of their ever attaining to higher privileges while they retain their present relations to a people who seek to get rid of them; to the inefficiency of their own laws for their advancement; and finally to the fact that these will be superseded and trodden under foot, by the exercise, over them, of the laws of the States. And here you might amply illustrate the really difficult relation which the Cherokees, particularly, bear to this question, by the passing over them of the various laws of *four States!*

You might then enlarge upon the advantage of their condition in the West. Both those tribes have a fine and fertile and abundant country, west of the Arkansas and Mississippi. There the General Government could, and *would* protect them fully in the possession of the soil, and their right to self government, and improve them by instruction to be afforded to their children, &c. There they might grow up in every succeeding generation to be our equals in privileges, civil and religious; and by acceding to the kind wishes of the President, confer upon their posterity lasting benefits and honors, whilst, by refusing to comply, they must, necessarily, entail destruction upon their race.

To this you might superadd, the readiness of the General Government to make such as choose to remain, and come under our laws, comfortable, by giving them fee simple titles to estates, and otherwise honoring them—whilst to their people, ample justice, you might assure them, would be done in paying them for their improvements, and in assisting them in their new creation as a people, and in every respect, in their new homes in the West.

It is believed that the more careful you are to secure from even the chiefs the official character you carry with you, the better—since no circumstance is too slight to excite their suspicion, or awaken their jealousy.

You will have the goodness to keep the Department advised from time to time of your progress and prospects of success and of the feelings and temper of the Indians.

I have, &c.

JOHN H. EATON.

To Gen. WILLIAM CARROLL,
Nashville, Tennessee.

CALHOUN, *August 15th*, 1829.

SIR: I reached this place on the morning of the 13th, and immediately sent for Colonel Montgomery, the Agent, to whom, on his arrival, I communicated confidentially the object of my visit. He stated to me that it was already known in the nation that General Coffee, of Georgia, and some other gentleman, were appointed to confer with the Cherokees on the subject of their removal West of the Mississippi; that the moment I arrived they suspected that I was the person whose name they had not previously heard, and that it would be difficult for me to make a secret movement with any probability of success. My own observation satisfied me of the truth of this, and I determined to avow my character and to treat them in an open and candid manner. Lewis Ross, who resides here, a man of excellent sense and of considerable influence, has always been greatly opposed to a removal west of the Mississippi. I considered it important to secure his interest or at least to soften his opposition. On yesterday I waited on him at his house, and, after taking dinner and spending a few hours with him, I took my leave, telling him that I should call to-day and communicate freely with him on matters of deep interest to the nation; accordingly, at nine o'clock this morning, I called on him and communicated to him the wishes of the President, and urged the propriety, (with a view of keeping up friendly relations between the nation and the United States) of an agreement to hold a treaty at such time as might be appointed. I cannot now give a detail of all that was said; suffice it to say that I made a favorable impression on him, and he assured me, on parting, that he would use no influence in opposition to my wishes—and that he would meet me at any time with the other chiefs to consult on the matter. I have also had a conversation with Majors Saunders and Miller, the interpreters. They are not unfavorable to our wishes. This afternoon Thomas Foreman, a half-breed of influence and great violence of character, called on me. With him I communicated as freely as I had done with Ross and the others, and although his opposition to a removal has been of the most bitter kind, he left me in a good humor, and assured me that he would not oppose a meeting for the purpose of holding a treaty. To-morrow morning I am to have an interview with Walker, and in the afternoon or next morning, shall set out to visit M'Nair, Vaun, Powrey, Ridge, Taylor, and John Ross. I hope for success, but may be disappointed. If so, it shall not be for want of exertions on my part. I have not heard from General Coffee.

I am confident that I am pursuing the only course calculated to give success to the wishes of the President, and you shall be advised of my progress by every mail, which passes through the nation but once a week.

The late information is, that the Creeks have manifested some strong feelings of hostility. I do not believe, however, that any danger is to be apprehended from them.

The closing of the mail leaves me no time to add any thing further.

I have, &c.

WM. CARROLL.

Honorable JOHN H. EATON,
Secretary of War, Washington City.

No. 2.

WINCHESTER, *Tennessee, Sept. 2, 1829.*

SIR: My last to you was from Newtown, in which I informed you that I was about setting out for the Creek agency. When within about 130 miles of that point I was taken with a fever which confined me two or three days. When I got able to ride, I found that I had not time to be useful among the Creeks unless I neglected the Cherokees: and expecting a return of the fever, which did come on me again at Newtown, I resolved to devote my whole attention to the latter nation. I visited the Chiefs, and used every argument that could be suggested to induce them to remove beyond the Mississippi, but found no one willing to take the responsibility of acting alone, and therefore I procured an assemblage of the chiefs, to whom, after employing all the reasons I deemed important verbally, I made them a short written proposition, to which they replied; and I am sorry to say, that although they are willing to meet commissioners, yet they refuse to dispose of their country for lands West of the Mississippi. I travelled much through the nation, and I am sure that I made a favorable impression on them—especially did I make them satisfied of the good intentions of the President towards them. The truth is, they rely with great confidence on a favorable report on the petition they have before Congress. If that is rejected, and the laws of the States are enforced, you will have no difficulty in procuring an exchange of lands with them.

I heard nothing of Gen. Coffee, nor was he in either nation ten days ago. I wrote to Gov. Forsyth, to direct the whole attention of Gen. Coffee to the Creeks, as he could do no possible good among the Cherokees. I informed you before that it was impossible to do any thing privately among the Indians, as every intelligent man had a knowledge of our appointments. The fact was mentioned in Georgia and South Carolina papers that circulate in the nation.

I will, shortly after my arrival at Nashville, make you a full communication of every thing, from which, I trust, you will see that some good has been done. As I could not fully accomplish the object of the Government, I took care to spend but little money. The whole expense will not exceed $770. The balance of the two thousand dollars I will deposite to your credit, as you direct.

I was unwell all the time I was in the nation, and still continue somewhat indisposed.

I have, &c.

WM. CARROLL.

Hon. JOHN H. EATON,
Secretary of War, Washington City

No. 3.

Gen. John Coffee to the Secretary of War.

(Extract.)

CREEK AGENCY, *October* 14*th*, 1829.

Hon. JOHN H. EATON:

SIR: On the receipt of my appointment I immediately wrote to General Carroll, requesting him to inform me which of the tribes he intended to make the first effort with, and at what point it would be most convenient for me to have an interview with him, and direct his letter to Greensborough, through which village I intended to pass, as soon as I could make the necessary arrangements. When I arrived at Macon, I learned from a gentleman, direct from Tennessee, that General Carroll was in the nation. I then abandoned the idea of going by Greensborough, and proceeded by the most direct route to the nation, with the confident expectation of meeting him there, but as soon as I arrived in the Southern part of the nation, I learned, with much regret, that he had been compelled by indisposition to return to Tennessee. I then determined to call on and converse, unofficially, with such influential individuals as lived near my route to the agency.

At Newtown, I learned from Hicks the substance of the correspondence between General Carroll and the Chiefs who met him; and on arriving at the agency, Colonel Montgomery put in my hands a letter from General Carroll, in which he spoke of his hope of success, and requested that I would not attempt to make any further arrangements with them. Believing from what I had seen and heard, that much good might be effected, by becoming acquainted with their chiefs, and other men of influence, and conversing freely with them about their situation, and explaining to them the views of the Government, without entering into any arrangements that could have the least injurious influence on what General Carroll had done, I determined to pursue that plan. In this I have been much favored by happening in the nation at the time their superior courts were in session, some of which I attended, and became acquainted with many of their principal men; others I visited at their own homes. Understanding when I arrived in the vicinity of the agency, that General Carroll had informed them that I was expected from Georgia, it became necessary for me to assume my official character, after which I found them more on the reserve in giving their opinions as to the course their chiefs should, or would pursue. I have collected enough, however, to satisfy myself, that any attempt to hold a treaty with them before the adjournment of the approaching session of Congress, would be unavailing. They express a confident hope that Congress will interpose its power and prevent the States from extending their laws over them: should they be disappointed in this, I hazard little in saying that the Government will have little difficulty in removing them west of the Mississippi. Of the many I am acquainted with, I believe not more than six or eight have any idea of becoming citizens of the States, though many of them express a determination to take reserves, provided the country is given up; and I have no doubt but many of them would be glad to cede the country at any time, to secure to themselves one mile square in fee simple. Those that are in debt and out of office, (with the exception of a few who live on the roads,) have no possible means of freeing themselves from their pecuniary embarrassments, but by an exchange of country.

Permit me to offer, for the reflection of the President and yourself, the propriety of opening an office in the nation, for the purpose of registering the names of all those who are disposed to take reserves. This has presented itself to my mind, by hearing the objections of many to an exchange of country, who would be willing to do it, provided they were sure of getting a reserve, but they are fearful their claims might be overlooked, or objected to by the chiefs, or commissioners. They might be run out, and a plat and certificate given to the owner. This, I have no doubt, would be quite satisfactory, and produce beneficial results, provided it was prudently managed. It would neutralize those who intend to become citizens, and make those who are desirous of converting their reserves into money anxious for the exchange of country.

I am induced to believe that it has been the studied purpose of the principal men to keep the lower classes of the people entirely ignorant of the determination of the President not to interpose the Executive authority to prevent the States from establishing their laws over them. They have also been at great pains to impress on the minds of all classes of people that the country assigned for them, on the Arkansas, is the most barren and unhealthy spot on the continent, and in this they have well succeeded; they believe (the ignorant of them, and the better informed pretend to believe) that there is no land for cultivation except small slips on the rivers, and this subject to inundate; that timber and water are very scarce, and the latter not fit for use; and that the country is all grown over with briars. If any man visits the country, and on his return gives it a good name and determines to emigrate, they impute to him some bad motive; and if they cannot persuade him to abandon the idea, and he is likely to get his friends and neighbors to go with him, they threaten to have him shot.

No. 4.

Extract of a communication from Mingo, King, and the Chiefs and head-men of the Chickasaw nation in Council, to the Secretary of War, dated 15*th June*, 1829.

"We now have the honor of reporting to the War Department, our views consequent on our late expedition west of the Mississippi, in search of a "*home.*" This report would have been made to you some time since, had it not been for the existence of some impediments, of which the War Department was, in due time, informed; and although those impediments have not entirely ceased to exist, yet we deem it proper to submit the following remarks.

In the first place, we beg leave to state that our opinion is different to that of a portion of our white brethren who accompanied us in that expedition, respecting the *vacant country* through which we passed. They have represented it as a country suited to the conveniences of Indians, and one in which all the wants and necessaries of life could be reared with facility. But of this, we are disposed to doubt. Although the country in which we now live is one that pleases us, yet every candid man will acknowledge that in some instances, its value and quality have been misrepresented. Of the causes that produce those misrepresentations, respecting Indians, and their lands, it is perhaps needless to speak. If duly considered, the Honorable Secretary of War will place them to the proper account.

In all exchanges of property among individuals, *advantages* and *disadvantages* are duly considered. These considerations are not less impressive when operating in a national point of view; and we still hope that the Government of the United States will not be disposed to *coerce* a contract *disadvantageous* to us; and one, which posterity will say was *dishonorable* to them. While on this subject permit us to remark, that we remember, with pride and gratitude, the advice of our first great father, General Washington. We recollect with pleasure, his parental admonitions; and never can we forget the last solemn declarations of this great and good man, made to us. Bidding him farewell—wishing him the blessing of the Great Spirit—with one hand enclosed in his, he said, "*Farewell my children, confide in the integrity of the United States, and their protection is given to you.*" We have never doubted the good feeling of the General Government. We know that it is importuned by the State of Mississippi, and that this importunity alone is the foundation of its wishes. *If we had found a country to please us, it was our intention to exchange. It is yet our wish to do so.* But we cannot consent to remove to a country, destitute of a single corresponding feature to the one in which we at present reside. A latitude more North than this, we are disposed to think would not be congenial to the health of a great majority of us. That part of the Choctaw land, lying South of the Rivers Arkansas and Canadian, is *the only spot that we saw, to which we could consent to remove;* and if we could find one of a similar character, *in all probability we would remove to it.* We have received favorable intelligence concerning the country *South of Red River*, and as we are *now disposed to accommodate* the Government, *by an exchange of land*—will it afford to us the *conveniences necessary* for exploring the country alluded to?"

No. 5.

Seneca Chiefs of Ohio to the President of the United States.—*15th October*, 1829.

Our Father and President of the United States:

We, the Seneca Chiefs, residing on Sandusky River and State of Ohio, wish you to open your ears to your red children in this place. Our agents have long since told us that there was a good country in the West and plenty of game, where the Indian could live well and be out of the way of bad white men, and from strong drink, which has destroyed so many of our people. Some of our young chiefs and some of our warriors have visited Missouri and Arkansas, and have returned much pleased with the country, and particularly with that part of the country where Cherokees have lately took their seats.

We, therefore, for ourselves and for our nation, request the President and Government of the United States to make arrangements to hold a treaty with us, and prepare and secure a home for us, by the side of our brothers, the Cherokees in the West. We want cash for our improvements, and cash to

meet the expense necessary to remove our people to the West; and the balance of the value of our reservation to be paid to us in land—it is our wish to move next Fall, if possible. We, therefore, for ourselves and for our nation, pledge ourselves to be the friends of the President and the People of the United States.

COMSTICK, his X mark
GEORGE CURLEY EYE, his X mark
SENECA STEEL, his X mark
TALL CHIEF, his X mark
WIPEING STICK, his X mark
CAPTAIN GOOD HUNT, his X mark
BLUE JACKET, his X mark
HARD HICKY, his X mark
SEGOW, his X mark
CAPTAIN SMITH, his X mark
SMALL CLOUD SPICER, his X mark
THOMAS BRANT, his X mark.

MARTIN LANE, *Interpreter.*

I certify that the within application of the Chiefs was signed of their free will and voluntary act, and that the same was written by their request.
October 15th, 1829.

JAMES MONTGOMERY,
Assistant Agent for the Senecas.

The number of Indians residing on the Seneca reservation is 337.

No. 6.

The Secretary of War to Gov. Forsyth.

DEPARTMENT OF WAR,
14*th October*, 1829.

SIR: The communications by you lately addressed to this Department have been brought to the consideration of the President.

The points submitted for his decision are of unpleasant character, requiring on the one hand an examination into the authority which the State of Georgia may assert over the Territory within her chartered limits, and those rights, which, by the usage of the country, and solemn treaty engagement, attach to the Indians.

The principle asserted by your Legislature, of extending the laws of the State throughout her own territorial limits, appeared in itself so reasonable and well founded, that it was impossible, under all the circumstances presented, to doubt as to the propriety of the measure. At an early period, therefore, when this question arose, the Cherokees were given distinctly to understand, that it was not within the competency or power of the Execu-

tive to call in question the right of Georgia to assert her own authority within her own limits, and the President has been gratified to witness the extent to which a principle so reasonable in itself and so vitally important to State Sovereignty, has received the approbation of his fellow citizens. This oft asserted and denied right being settled on the side of the State, to the extent that Executive interference could go, it was expected and hoped, that a little longer continuance of that forbearance which Georgia had so long indulged, was all that was wanted to assure to her, the purposes and objects she had before her; and after a manner, too, to which philanthropy could take no exception. The period was fast approaching, when, by the enactments of the Legislature, the laws of your State were to take effect, and become operative over the Red man as the White. Murder, no longer to continue a lincensed crime on the plea of retaliation, was to yield itself to the rules of civilization, and to be examined into by a jury of the country, before the accused should be made to atone; crime, by whomsoever committed, was to be inquired into; and savage laws and savage habits to give place to the more enlightened principles of experience and of reason.

Should the effect of this measure be to induce the Indians to remove from the territory in question, on receiving from the United States all that they are justly entitled to, the President is satisfied that a result in the highest degree desirable will be effected, and by means the most unexceptionable. Their removal West of the Mississippi, and beyond the range of State authority, would, he believes, greatly tend to better their condition: that it would carry with it benevolence to them, and justice to the State of Georgia. His long and large experience in Indian affairs leaves no doubt with him on this point; and however much he respects the motives which have induced Missionary Societies and others to meliorate the condition of the Indians, he nevertheless feels it a duty to employ all the rightful means which have been placed at his disposal, to produce more enlarged and beneficial results towards this peculiar race of people. If they can put in operation and maintain a system of self direction, he is satisfied that, at least in its commencement, it must be under some well regulated assistance on the part of the Government, and to be exercised at places where collisions as to State authority shall be avoided. But the years gone by, since the settlement of this country, induces an apprehension that the first original inhabitants of our forests are incapable of self-government by any of those rules of right which civilization teaches. In all intercourse with their civilized white brothers, and the various efforts made, and expenditures incurred, to inspire them with a knowledge of industry, and forgetfulness of their eratick habits, as yet success has not been attained. If they have yielded the barbarous practice of burning prisoners at the stake, they have not, even after the lapse of many years, and frequent association with the whites, surrendered the no less savage habit of considering women and children fit subjects for the tomahawk and scalping knife.

If a few have been educated at our schools, on returning to their original wilds, through force of the examples around them, they have fallen back upon the manners and customs of their ancestors, and assumed their habits as before. With all the liberal exertions made to relieve them from a state of bondage and ignorance, but little of salutary change has been produced. Located as they are, no different results are to be expected. Every day's observation shews that the near association of the white and red man is de-

structive of the latter. The history of our country, throughout every quarter, teems with evidence establishing the truth of this assertion, and points to the necessity of a removal.

Previously to offering any opinion on the subject of your last communication, it occurred to me as proper to say thus much to you, in relation to those matters which heretofore have been in revision by the President.

The application now submitted, has been brought to the view of the President, and every thing resting in connexion with it, fully considered.

The State of Georgia maintains, that the true separation between the Creeks and Cherokees is a line crossing the Chatahoochie at or near Suwanny Old Town, and stretching thence, Westwardly, along an old Indian trail, to the Etowah River, and down its stream, leaving involved in the controversy something more than a million of acres of land. It is upon a portion of this territory, thus in dispute, as to who rightfully can claim, that certain citizens of Georgia have settled, and which now, under treaty stipulations, entered into between the United States and the Cherokees, are alleged to be intruders, and it is asked that the Government will employ its force to remove them.

On the other hand, it is asserted by the Cherokees, that the boundary division between themselves and the Creek Indians was a line, running from the Buzzard Roost, on the Chatahoochie River, West, to the mouth of Wills Creek; and that this line has been recognised by the United States in the survey which took place in pursuance of the Treaty of January, 1826, concluded at Washington City.

While this application is pressed with a full assurance of its propriety, the Executive of Georgia, acting under legislative instructions, demand that, from this contested boundary, the Indians shall be required to depart, and the military arm of the country employed for that purpose. Both demands cannot be acceded to; one or the other is right, and that which is right must be sustained.

From information presented to this Department, furnished by Georgia, it appears that, in past time, the acknowledged line of separation between the Creeks and the Cherokees, was across, from Suwanny Old Town, to the Sexas village, on the Etowah River; and that the line now claimed, from the Buzzard Roost, West, to Wills creek, is founded on an agreement entered into, or admission made, on the part of the Creeks, in 1821, from which time to the present it has remained the acknowledged boundary, and has been so admitted whenever the United States and Georgia have had reference to it. But it is insisted that this agreed line is to be held void, because the parties to the arrangement, the Creeks and Cherokees, were incompetent to any alteration as to their ancient boundary, without the actual, not constructive consent of the United States and Georgia, who are parties to the compact of 1802—the latter denying that any arrangement entered into by the Cherokees and the Creeks as to a boundary which affects her rights and her domain, can have validity unless accompanied by the sanction of the United States. The argument appears to carry with it force and plausibility; yet is such an one as the Executive Chief Magistrate will not undertake, for the present, to decide, choosing rather to refer it to a different tribunal.

A compact in 1802 was made by the United States and Georgia. By that agreement all the territory of the State, West of a certain line, was ceded; and as matter of condition, the Indian title to lands within the then reserved

limits of the State, early as practicable was to be extinguished for the use of Georgia. The Creeks and Cherokees were the only tribes at that time within the limits of the State; and what their line and boundary of separation then was, appears to be the true point presented for considering and settling this question. If, at that period, the boundary by both nations was supposed to be at or near the Buzzard Roost, and to run thence, Westwardly, to Wills creek, and that its establishment in 1821 was but the mere recognition of what before had been understood by and between the two nations, then should it be admitted, that the Cherokee claim to this disputed territory is fairly established, and the United States, in virtue of their treaty engagements, placed under the necessity to protect them against intrusions upon their soil.

It is not admitted that the Creeks and Cherokees were capable to contract, so as to alter their boundary, without the consent of the other parties in interest. If the Creeks could vary the condition of things, and, by altering their boundary, place a part of their country at the disposal of the Cherokees, they could with equal propriety have disposed of the whole as well as a part, and to any other tribe of Indians as to the Cherokees. And if it be conceded that they possessed a power to transfer at all, then was it not necessary for it to take place with the Indians, inasmuch as, the concession being made, it would have enabled them to convey it to any foreign Power. The Indians of this country are under the restraints of our laws. It has been so considered, and so acted upon by the judiciary and the legislature. Amongst other restraints, is this, and which the Judicial Department of the Government has recognised as founded upon the established rules by Great Britain, before her acknowledgment of our Independence, and by our own legislation since: that, to none other than the Government can a sale and transfer of any portion of their soil be made, and that Indian title at best is to be considered a mere occupancy. If a Western line from Suwanny Old Town to the Etowah River, and down that stream, formed the boundary between these Tribes, at the date of the compact in 1802, it is difficult, upon principle, to conceive how it could be changed without the assent of the United States, or even that such recognition and assent could have rendered it valid, apart from Georgia, who had the ultimate interest and right in the soil. By the law and previous usage it was not competent for the Creeks to part with their lands to any other than to the United States; and if that shall be considered a valid authority, then is it matter for solution, if the line of 1821, from the Buzzard Roost to Wills-creek, may not be considered void, for want of authority in the contracting parties to establish it.

Another point of view in which this subject may be considered is, that the United States and Georgia, in making their compact in 1802, must have considered it in reference to the state of things, and of the parties to it, then existing, with no competent acknowledged authority to change those relations, but with the consent of the parties contracting. If the Creeks, placed under a necessity to part with their soil, could defeat the transfer by surrendering a portion to the Cherokees, or to any other power, the force of the reasoning would still continue; and as oft as a successful effort to acquire the title from either should be made, some new claimant might present himself, asserting a right under a previous understanding with those tribes, and thereby defeat, from time to time, the just expectations of the Government. Assent to the principle, and, in future, when a cession shall be made by the

Cherokees, the Chickasaw or some other nation of Indians may interpose, and allege that, by some former understanding, their line had a particular location, by which they also would assert a title; and thus, a new purchase and a new treaty be rendered necessary, as often as a new claimant, under some plausible pretence, could be produced: the embarrassments to which, on such principles, the Government might be hereafter exposed, in the purchase of Indian lands, by permitting informal and irregular transfers and settlements, to be regarded as evidences of title, are readily, and at once to be perceived, with much of injurious tendency to the public interest.

The proper ground to be assumed, being, as it is considered, a mere inquiry as to boundary, is, whether the Indians, without the consent of the United States and of the State of Georgia, were capable to alter or change the boundary from what it was understood to be in 1802, and to refer the decision of the respective demands hence arising to the result to be arrived at, on a final inquiry and examination into this question.

These being the views entertained by the President on this subject, it is concluded by him to send some competent and faithful representative to ascertain, as far as practicable, what is to be considered the actual and true boundary between the Creek and Cherokee nations; the precise period at which the line from the Buzzard Roost to Wills creek was made; and the circumstances under which it was agreed upon; with whatever evidence calculated to disclose certainty, may be obtained. And, while he is not disposed to countenance our Red Brothers in pretensions to which they are not entitled —from which, by the irresistible decrees of fate they are excluded—some of which could be of no advantage to them if allowed, and which, in the nature of things, they would soon be under a necessity to relinquish—he nevertheless regards it as an obligation of the most sacred character, to maintain a faithful guardianship towards them, and to preserve his administration of their affairs from the slightest imputation of injustice; and in the cordial co-operation of the authorities of Georgia, to sustain him in the execution of this trust, he confidently relies.

Permit me, in conclusion, to observe, that the President is duly sensible of the patience and forbearance which the State of Georgia has exercised in the protracted, and, to her, injurious delay, to which the satisfaction of her just demands has been already exposed. He can make all proper allowances for any impatience she may occasionally evince upon a subject which to her is of such high interest, and in regard to which the feelings of her citizens have already been sufficiently excited. He still, however, cherishes a hope, that the public functionaries of Georgia will adhere to their wonted magnanimity; that, sensible of the delicate questions and fearful responsibilities which seldom fail to arise out of a conflict of rival sovereignty and power in relation to such a subject, they will, under the guidance of an enlightened patriotism, do all in their power to prevent them, and at all times, in cheerfulness, unite with the Federal Government in avoiding even an appearance of practised injustice towards the uncultivated and unhappy children of the forest.

To ascertain and to determine all matters in difference, General Coffee, of Alabama, has been requested to proceed to the Cherokee nation to arrange the testimony, and to present, for the consideration and decision of the President, every thing in reference to the boundary. Such evidences as can be procured will be examined; and it is desirable that any information in possession or reach of the Executive of Georgia may be submitted to the Com-

missioner on the part of the Government, to be reported here. In the mean time, with a view to tranquillity, and in justice to the Indians who have been, and are in possession, the Agent has been instructed to give notice for all intruders on Indian lands to retire by the 15th of December, after which time those who remain will be forcibly removed, agreeably to the provisions of the act of 1802. I have, &c. &c.

JNO. H. EATON.

To His Excellency JOHN FORSYTH,
Governor of Georgia, Milledgeville.

No. 7.—Referred to in Mr. McKenney's Letter

A.

ABSTRACT of Funds received by A. B. Indian Agent, at *for disbursement during the* 18 , *with copy of instructions.*

When received.	How received.	Amount received.	Date of instructions.	How to be disposed of.									
				Pay of Superintendent and Ind. Agts.	Pay of Sub. Agts.	Presents.	Interpreting and translating.	Gun and Blacksmiths.	Iron, steel, coal and other expenses	Expense of transportation	Expense of provisions.	Expense of rents.	Contingencies.
1829 Apl. 20	Treasurers draft on New York branch bank	70,000 00	Apl. 2	20,000 00	12,000 00	8,000 00	10,000 00	11,000 00	3,000 00	4,000 00	- -	- -	2,000 00
Sep. 25	Do do	49,098 86	Sep. 3	8,150 00	3,070 00	3,246 76	8,268 00	5,299 00	1,450 00	3,385 00	6,778 00	112 50	9,339 60
		119,098 86											

ABSTRACT of disbursements made by A. B. Indian Agent at *during the* 18 .

Date of voucher.	No. of voucher.	To whom paid.	How disbursed. Pay of Superintendent and Ind. Agts.	Pay of Sub Agents.	Presents.	Interpreting and translating	Gun and Blacksmiths.	Iron, steel, coal and other expenses.	Expense of transportation.	Expense of provision.	Expense of visits.	Contingencies.	Total.
1829													
May 31	1	H. L. D.	5,000 00	3,000 00	2,000 00	4,000 00	3,000 00	500 00	1,000 00	1,500 00	112 50	5,000 00	25,112 50
July 31	2	A. L. E.	9,000 00	7,000 00	3,000 00	5,000 00	4,000 00	500 00	3,000 00	2,500 00	-	5,000 00	39,000 00
Sep. 30	3	A. L. F.	897 98	339 96	564 41	927 19	278 23	75 75	341 88	471 82	-	154 81	4,052 03
													68,164 53

No. 8.—Referred to in Mr. McKenney's Letter.

Dr. *The United States, in account with A. B. Indian Agent.* *Cr.*

1829 Septr. 30	To amount of abstract B, herewith, for disbursements between the and 30th September, - - - -	68,164 53	1829 Septr. 30	By amount of abstract A, herewith, for funds received, to be disbursed under the several heads of appropriation pr. instructions.	119,098 86
	Balance to new account, - - - -	50,934 33			
		$119,098 86			119,098 86
				Balance on hand due United States, viz:	50,934 33
				Pay of Supr. and Ind. Agents, 13,252 02	
				Do Sub Agents, - - 4,730 04	
				Presents, - - - - 5,682 35	
				Interpreting and translation, - 8,340 81	
				Gun and Blacksmiths, - - 9,020 77	
				Iron, steel, coal, &c, - - 3,374 25	
				Expense of transportation, - 3,043 12	
				Expense of provisions, - - 2,306 18	
				Contingencies, - - - 1,184 79	
				Balance as above, $50,934 33	

This account current illustrates the mode for keeping and settling accounts, referred to in the report; and is based on abstract, marked A, showing the amount appropriated at the last session of Congress, for the current expenses of the Indian Department, for the year 1829.